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AF/3736

PATENT  
Attorney Docket No. BSC-177CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rooney et al.  
SERIAL NO.: 09/597,179 GROUP NO.: 3736  
FILING DATE: June 20, 2000 EXAMINER: P. Wingood  
TITLE: HIGH PERFORMANCE COIL WIRE

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Georgeanne Greenlaw

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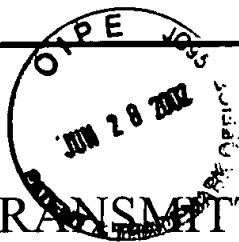
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Sir:

Submitted herewith is/are:

- Transmittal Form (1 pg.)
- After-Final Response (3 pgs.)
- Certificate of First Class Mailing Under 37 C.F.R. 1.8 (1 pg.)
- Return-Receipt Postcard

**TRANSMITTAL  
FORM**



Application Serial Number	09/597,179
Filing Date	06/20/00
First Named Inventor	Rooney
Group Art Unit	3736
Examiner Name	P. Wingood
Attorney Docket No.	BSC-177CN
Patent No.	Not applicable
Issue Date	Not applicable

**ENCLOSURES (check all that apply)**

- |  |  |   |
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| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Check Attached<br><input type="checkbox"/> Copy of Fee Transmittal Form<br><input checked="" type="checkbox"/> Amendment/Response<br><input type="checkbox"/> Preliminary<br><input checked="" type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets <u>3</u> ]<br><input type="checkbox"/> Petition for Extension of Time<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Form PTO-1449<br><input type="checkbox"/> Copies of IDS Citations<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Sequence Listing submission<br><input type="checkbox"/> Paper Copy/CD<br><input type="checkbox"/> Computer Readable Copy<br><input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553)<br><input type="checkbox"/> Formal Drawing(s)<br><input type="checkbox"/> Request For Continued Examination (RCE) Transmittal<br><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application<br><input type="checkbox"/> Small Entity Statement<br><input type="checkbox"/> CD(s) for large table or computer program<br><input type="checkbox"/> Amendment After Allowance<br><input type="checkbox"/> Request for Certificate of Correction<br><input type="checkbox"/> Certificate of Correction (in duplicate) | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences<br><input type="checkbox"/> Appeal Brief (in triplicate)<br><input type="checkbox"/> Status Inquiry<br><input checked="" type="checkbox"/> Return Receipt Postcard<br><input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8<br><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8<br><input type="checkbox"/> Additional Enclosure(s) (please identify below) |
|--|--|---|

**CORRESPONDENCE ADDRESS**

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Respectfully submitted,  
  
 Date: June 21, 2002  
 Reg. No. 35,393  
 Tel. No.: (617) 248-7374  
 Fax No.: (617) 248-7100  
 Robert J. Tosti  
 Atty/Agent for Applicant(s)  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110



COPY OF PAPERS  
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PATENT  
Atty. Docket No. BSC-177CN

#15 1/2  
B. Webb  
7/16/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Rooney et al.  
SERIAL NUMBER: 09/597,179 GROUP NUMBER: 3736  
FILING DATE: June 20, 2000 EXAMINER: P. Wingood  
TITLE: High Performance Coil Wire

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Washington, DC 20231

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AFTER-FINAL RESPONSE

Applicants submit this paper in response to the final action mailed from the Patent Office on March 26, 2002.

Applicants' undersigned representative thanks Examiner Wingood for speaking with him on several occasions by telephone in late April 2002 and early May 2002, and he acknowledges Examiner Wingood's expressed intention to withdraw the final action and issue a superseding non-final action soon. (MPEP § 710.06 indicates that "where for any reason it becomes necessary to remail any action, the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply.")

As discussed with Examiner Wingood, the final action is improper for at least two reasons. First, the finality is improper and should be withdrawn. Second, the substance of the final action is wrong.

Finality Improper

According to MPEP § 706.07(b), it is improper for the Office to issue a final action in response to a Request for Continued Examination (RCE) when the RCE includes a request to

enter and consider a previously filed after-final response that was denied entry because it raised new issues that required further consideration and/or search. Yet, this is exactly what happened in this case.

In response to a final action (August 1, 2001), applicants filed a "Response After Final Under Rule 116" on September 27, 1001, canceling two claims (claims 31 and 47) and amending claims 22, 32, 33, 41, 48, and 49. An Advisory Action (December 1, 2001) indicated that the "Response After Final Under Rule 116" failed to place the application in condition for allowance and indicated that "[t]he proposed amendment(s) will not be entered because they raise new issues that would require further consideration and/or search." On December 21, 2001, applicants filed a Request for Continued Examination (RCE) and requested that the Office enter and consider the previously-filed but unentered "Response After Final Under Rule 116." On March 26, 2002, a final action was mailed, supposedly in response to the RCE filed on December 21, 2001.

The final action is improper and should be cancelled. A new non-final action should be mailed to supersede and replace the final action, and a new period for reply should be set, pursuant to MPEP § 710.06.

#### **Incorrect Substance**

Also, the substantive rejections in the final action are incorrect. The rejections do not relate to the pending claims.

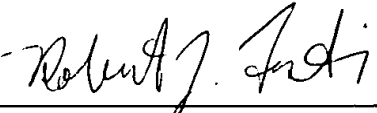
The final action indicates that 34 claims (claims 22-26 and 28-56) are pending, but actually only 32 claims (claims 22-26, 28-30, 32-46, and 48-56) are pending. Specifically, the final action rejects claims 22-26, 28-35, 37-51, and 53-56, and objects to claims 36 and 52. But, two of the claims rejected in the final action (claims 31 and 47) were cancelled by the "Response After Final Under Rule 116" and are therefore not present in this application.

Furthermore, and for example, the final action rejects claim 22, but fails to address at all the recitation in the claim that there is "a tip composed of a polymeric material and extending from a distal end of the coil."

In view of the foregoing, applicants request a new and non-final action with its remailing date as the beginning of the statutory period for reply.

Respectfully submitted,

Date: June 21, 2002  
Reg. No.: 35,393  
Tel. No. (617) 248-7374  
Fax No. (617) 248-7100

  
\_\_\_\_\_  
Robert J. Tosti  
Attorney for Applicants  
Testa, Hurwitz, & Thibault, LLP  
High Street Tower  
125 High Street  
Boston, MA 02110